

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11(12), the Department of Public Health hereby amends Chapter 176, “Criteria for Awards or Grants,” Iowa Administrative Code.

The rules in Chapter 176 describe the Department’s process for the issuance of awards and grants, for review of competitive selection applications, and for appeals. These amendments provide for a second review, which shall be conducted by two management employees and one nonmanagement employee, of applications for the service delivery area when the applications receive an equal number of points; provide for public notice of available funds in the IowaGrants system Web site; and designate the time period for decision and order of the Director, which shall be issued within 90 days of the date of the receipt of an appeal.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 1, 2014, as **ARC 1656C**. No comments were received. The adopted amendments are identical to those published under Notice.

The State Board of Health adopted these amendments on November 12, 2014.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135.11, 17A.3(1) and 17A.15.

These amendments will become effective on January 14, 2015.

The following amendments are adopted.

ITEM 1. Amend rule 641—176.5(135,17A) as follows:

641—176.5(135,17A) Review process (competitive applications only). The review process to be followed in determining the amount of funds to be approved for award of a contract shall be described in the competitive selection application. The review criteria and the point allocation for each criterion shall also be described in the competitive selection application.

The review committee membership shall be determined by the bureau chief, with oversight from the respective division director. The review committee members shall allocate points per review ~~criteria~~ criterion in conducting the review.

In the event applications for the service delivery area receive an equal number of points, a second review may be conducted by two ~~division directors and the respective bureau chief administering the program~~ management employees and one nonmanagement employee as designated by the respective division director.

ITEM 2. Amend rule 641—176.7(135,17A) as follows:

641—176.7(135,17A) Public notice of available funds. ~~The program making funds available through a competitive selection application process~~ department shall post all competitive selection documents on the department of public health’s Web site at <http://www.idph.state.ia.us> ~~management’s IowaGrants~~ Web site at www.IowaGrants.gov for the duration of the application period.

ITEM 3. Amend subrule 176.8(1) as follows:

176.8(1) Appeal. Letters of intent and applications received by the department after the due date and time stated in the competitive selection application will be rejected, ~~returned to the applicant,~~ and will not be reviewed by the department, and a notice will be sent to the applicant. An applicant may appeal the denial of a timely submitted application. The appeal shall be submitted in writing within ten business days of receipt of notification of the adverse decision. The appeal shall be addressed to the contract administrator cited in the competitive selection application guidance, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. In the event of an appeal, the department will continue working with the applicant awarded funding pending the outcome of the appeal.

ITEM 4. Amend subrule 176.8(5) as follows:

176.8(5) *Appeal to director.* Any appeal to the director for review of a proposed decision shall be ~~mailed~~ in writing and submitted to the director by electronic mail; delivered by certified mail, return receipt requested;² or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge and the other parties. A request for appeal shall include the specific grounds for appeal.

ITEM 5. Amend subrule 176.8(7) as follows:

176.8(7) *Decision of director.* Upon receipt of a properly filed appeal, the director shall establish a briefing schedule and, at the discretion of the director, an opportunity for oral argument. An appeal to the director shall be based on the record made at the hearing. The director may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law the director finds to be in error. The decision and order of the director shall be issued within 90 days of the date of the receipt of the appeal and delivered by certified mail, return receipt requested, or by personal service, and becomes the department's final decision upon receipt by the aggrieved party.

[Filed 11/12/14, effective 1/14/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/14.